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Attorneys for Defendant  
**THE IAMS COMPANY**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

DIANE SWARBERG, individually and on behalf of all others similarly situated,

**Plaintiff,**

vs.

MENU FOODS HOLDING, INC., THE  
IAMS COMPANY, and DOES 1 through  
100, inclusive,

#### Defendants.

) CASE NO. 07cv0706 BTM(POR)

} Honorable Barry T. Moskowitz

**JOINT MOTION FOR EXTENSION  
OF TIME TO FILE RESPONSIVE  
PLEADING**

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1 Pursuant to CivLR 12.1 of the Local Rules of Practice for United States District  
2 Court, Southern District of California, Defendant The Iams Company (“Defendant”) and  
3 Plaintiff Diane Swarberg (“Plaintiff”), hereby jointly move for an order extending the time  
4 for Defendant to file its response to Plaintiff’s Complaint. The parties jointly request that  
5 the deadline for filing Defendant’s First Responsive pleading be extended from April 26,  
6 2007 to May 29, 2007.

7 Good cause exists for granting an extension. Defendant has just retained California  
8 counsel, Howarth & Smith, and counsel needs time to review the facts and allegations in  
9 order to prepare a proper response. This case was only recently removed from state to  
10 federal court on April 18, 2007, by Defendant Menu Foods Holding, Inc., and is a class  
11 action involving multiple parties.

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13 Dated: April 25, 2007

HOWARTH & SMITH

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15 s/Don Howarth \_\_\_\_\_  
16 Don Howarth  
Attorneys for Defendant  
The Iams Company

17  
18 Dated: April \_\_\_, 2007

BERDING & WEIL

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21 Steven R. Weinmann  
Attorneys for Plaintiff  
Diane Swarberg

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Attorneys for Defendant  
The Iams Company

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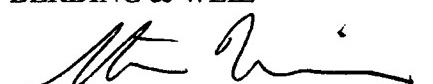
Dated: April 24, 2007

BERDING & WEIL

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Steven R. Weinmann  
Attorneys for Plaintiff  
Diane Swarberg

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**CERTIFICATE OF SERVICE**

I certify that on April 25, 2007, I caused the following document:

**JOINT MOTION FOR EXTENSION OF TIME TO FILE  
RESPONSIVE PLEADING**

to be filed electronically with the Clerk of Court through ECF, and that ECF will send an e-notice of the electronic filing to the following:

**Susan Moriarty Hack at [hack@higslaw.com](mailto:hack@higslaw.com)**

I further certify that I caused a copy of the foregoing document and the notice of electronic filing to be mailed by first class mail, postage prepaid, to the following non-ECF participants:

**Jeffrey B. Cereghino, Esq.  
Steven R. Weinmann, Esq.  
BERDING & WEIL LLP  
3240 Stone Valley Road West  
Alamo, California 94507**

Dated: April 25, 2007

s/Don Howarth

Don Howarth